

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 00-cr-90036
Hon. Matthew F. Leitman

v.

RILEY TROY GRAHAM

Defendant.

**ORDER DENYING DEFENDANT'S
EMERGENCY MOTION FOR RELEASE (ECF No. 750)**

On May 26, 2005, Defendant Riley Troy Graham pleaded guilty to engaging in a continuing criminal enterprise in violation of 21 U.S.C. § 848 and conspiring to launder monetary instruments in violation of 18 U.S.C. § 1956 pursuant to a Rule 11 Plea Agreement. (*See* Plea Agmt., ECF No. 434.) The Court thereafter sentenced Graham to 240 months in prison. (*See* Judgment, ECF No. 506.) Graham appealed, and the United States Court of Appeals for the Sixth Circuit affirmed his convictions. *See United States v. Graham*, 278 F. App'x 538, 546 (6th Cir. 2008).

Graham then filed a motion to vacate his sentence pursuant to 28 U.S.C. § 2255. (*See* Mot., ECF No. 731.) He filed that motion on August 21, 2020, more than fourteen years after he was sentenced, and more than twelve years after the Sixth Circuit affirmed his convictions on direct review.

On August 28, 2020, the Court ordered Graham to show cause and explain why it should not dismiss his Section 2255 as untimely filed. (*See Show Cause Order*, ECF No. 733.) Graham filed several responses to the show cause order (*see* ECF Nos. 740, 742), but none provided the Court a basis to conclude that his Section 2255 motion was timely filed. The Court therefore denied the motion in a written order on June 2, 2021. (*See Order*, ECF No. 749.)

On June 11, 2021, the Clerk of the Court docketed a new filing from Graham which he titled “Graham’s Emergency Motion for Release: An Incorporated Brief Showing Cause: (1) Why Defendant is Just Now Able to File a 2255 Motion; and (2) Why this Court Should Enter an Order Vacating and Setting Aside His Sentence, as well as Immediate Release.” (Mot., ECF No. 750.) It appears that Graham mailed that motion to the Court on February 16, 2021 (*see id.*, PageID.6047), but it is unclear why the Court did not receive it and/or docket it until recently. In any event, the Court has reviewed Graham’s emergency motion, and it does not persuade the Court that Graham’s Section 2255 motion was timely filed.

Accordingly, for all of the reasons stated above, and all of the reasons stated in the Court’s June 2, 2021, order, **IT IS HEREBY ORDERED** that Graham’s emergency motion (ECF No. 750) is **DENIED**.

s/Matthew F. Leitman

MATTHEW F. LEITMAN

UNITED STATES DISTRICT JUDGE

Dated: June 14, 2021

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on June 14, 2021, by electronic means and/or ordinary mail.

s/Holly A. Monda

Case Manager
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